

OF THE CITY COUNCIL OF THE CITY OF
LODI, CALIFORNIA.

WHEREAS, Under the terms of the deed dated January 9th, 1929, delivered to and accepted by the City of Lodi in accordance with resolutions Nos. 566 and 567 by which Colorado Power Company conveyed to the City of Lodi certain riparian lands and water rights situate on and along the Mokelumne River in Calaveras and Amador Counties, California, more particularly described in said deed, the City of Lodi was required to perform certain conditions subsequent, as a prerequisite to retaining title thereunder; and

WHEREAS, said conditions subsequent included the obligation to have a final investigation of the engineering features of the hydroelectric power plant, proposed to be constructed on said lands, and transmission lines connecting therewith, made within a period of one (1) year from the date of said deed, and to have an election called and held within a period of two (2) years from date of said deed, for the purpose of voting bonds necessary to construct said hydroelectric power plant and transmission line, and to enter into a binding contract, within three (3) years from date of said deed, for the construction of the said project works including the said power plant and transmission line and to complete the said project works and have it in operation in connection with the existing distribution system of the grantee within four (4) years from date thereof, and thereafter for a term of twenty-five (25) years to pay certain kilowatt-hour royalties upon the electric energy to be generated at the said plant to Colorado Power Company, all of said conditions and requirements being included in the said deed as conditions numbered Second, Third, Fourth, Fifth and Sixth and more particularly set forth therein; and

WHEREAS, the City of Lodi has caused the engineering investigation required under the Second condition of said deed to be made and reported in writing to the Colorado Power Company, but has been prevented, by pendency of litigation with the East Bay Municipal Utility District and Pacific Gas and Electric Company affecting the riparian water rights appurtenant to the property in question, from carrying out the remaining conditions of said deed, and it now appears that in all probability an enforced delay of at least one (1) year will result before such litigation shall be terminated and the said conditions subsequent of the said deed be possible of fulfillment;

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Lodi does hereby request the Colorado Power Company to extend for a period of one (1) year the respective periods within which the conditions and requirements enumerated in the said deed dated January 9th, 1929, as conditions numbered Third, Fourth, Fifth and Sixth, may be performed and complied with by the City of Lodi, grantee thereunder, upon the same understanding by the City of Lodi set forth in said Resolutions Nos. 566 and 567;

BE IT FURTHER RESOLVED, that a certified copy of this resolution be transmitted by the Clerk of this Board to Colorado Power Company for its consideration, together with a request that the said company shall, if agreeable thereto, cause to be transmitted to the said Clerk a duly executed supplementary deed on or before December 31st, 1930.

(15)
Adopted December 25 1930
Ayes: Councilmen: Meeker, Roach, Kaylor,
Glenn & Spooner

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J. P. H. H. H.
City Clerk